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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,099	12/21/2001	Norbert Apfel	A91206	7476

30996 7590 06/07/2006

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SUITE B  
TIJERAS, NM 87059-7507

EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/026,099

Applicant(s)

APFEL ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-47 and 49-52 is/are rejected.
- 7) ☒ Claim(s) 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 43-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Corcoran (2,788,038). Corcoran discloses all of the elements as shown below in Diagram 2. Corcoran also discloses radially inner edges merge in an angular manner and with a radius with radially outer edges in figure 2 at element 24, and figures 1 and 3; radial ends merge with the radially outer edges in an angular manner and with a radius as shown in figures 1 and 3. Note that the radially outer edges are shorter than the radially inner edges as shown in Diagram ; double trapezoidal tapering shape shown in Diagram 1; the cutting blade is capable of being reversed; the blade sections are disposed in a plane with the main body, wherein the plane is perpendicular to the main body 12, and the plane bisects opening 14.

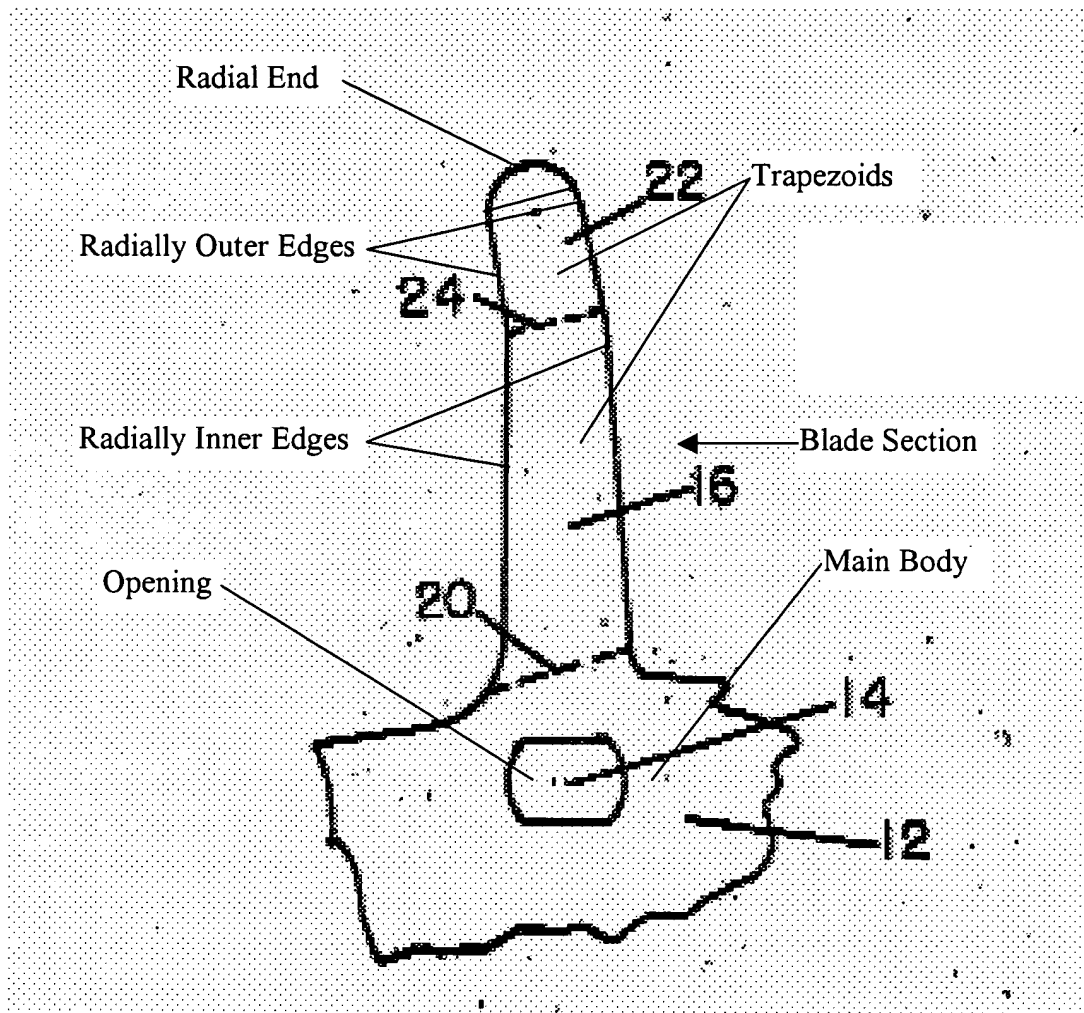


Diagram 1. Figure 3 of Corcoran labeled with the elements of the limitations of claims 43-47.

3. Claims 38-42 and 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Corcoran (2,788,038). Corcoran discloses metal in column 1, line 48; radially outer cutting edges are the edges of elements 22 adjacent to the hidden line in figure 1; radially inner cutting edges are the edges of elements 16 adjacent to the hidden line in figure 1; longitudinal axis is an imaginary line that bisects the lines 20 and 24; the angle between the radially outer cutting edges and the longitudinal axis is large as seen in Diagram 2 below; the angle between the radially inner cutting edges and the longitudinal axis is small as seen in Diagram 3 below; radially inner

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cutting edges merge in an angular manner with the radially outer cutting edges as shown in diagrams 2 and 3 below; radial outer edges merge in an angular manner with the radial ends as shown in Diagram 1 above; radially outer edges merge with a radius with radial ends as shown in Diagram 1 above; radially inner edges merge with a radius with radially outer edges as shown in figure 4, which shows the intersection of element 22 and element 16 as a wide shaded line indicating a gradual transition.

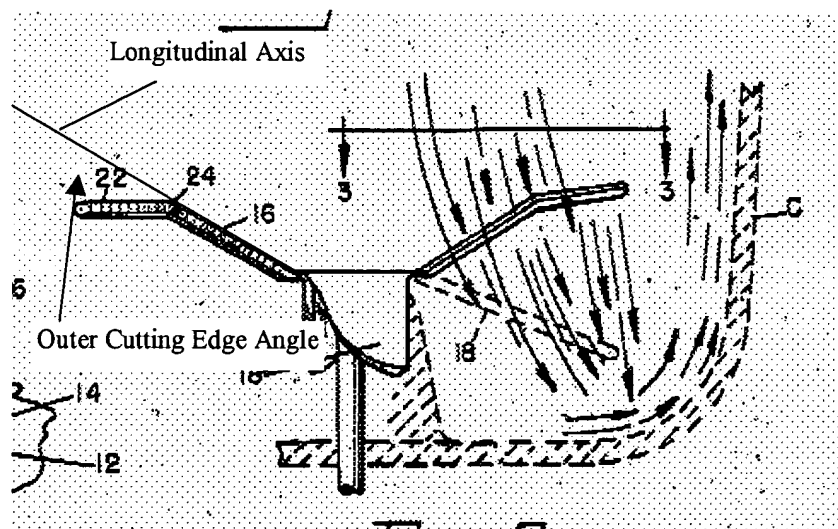


Diagram 2. Figure 2 of Corcoran with the elements of the limitations in claims 38-42.

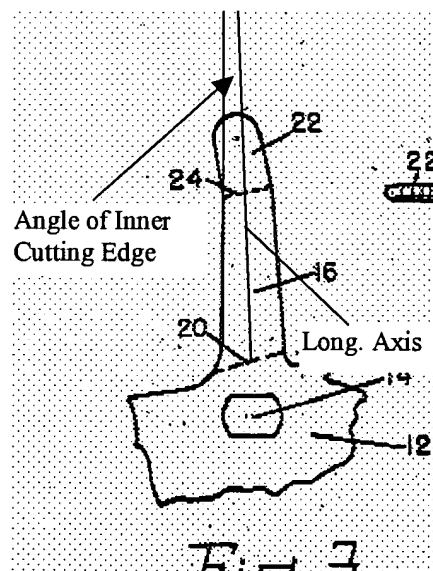


Diagram 3. Figure 3 of Corcoran with the elements of the limitations in claims 38-42.

***Allowable Subject Matter***

4. Claim 48 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 38-42 and 48-52 have been considered but are moot in view of the new ground(s) of rejection. Also, applicant did not respond to the rejection of claims 43-47.

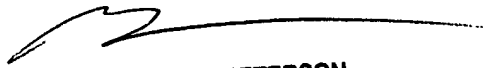
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
IH

May 30, 2006

  
KENNETH E. PETERSON  
PRIMARY EXAMINER